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**From:** Jones, Enesta [Jones.Enesta@epa.gov]  
**Sent:** 3/11/2020 7:22:29 PM  
**To:** AO OPA OMR CLIPS [AO\_OPA\_OMR\_CLIPS@epa.gov]  
**Subject:** Daily News Clips, 3/11/20

Daily News Clips  
March 11, 2020

Agency

E&E: Incoming EPA chief of staff draws fire

Inside EPA: Senators Press Benevento On EPA Policy Without Threatening Nomination

The Hill: Senators press Trump deputy EPA pick at confirmation hearing

Air

E&E: EPA to miss deadline for permitting program revamp

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Law360: EPA Tells DC Circ. To Ignore Late Input On Emissions Policy

Biofuels

E&E: Grassley to ramp up pressure after ruling on waivers

Congress

POLITICO Pro: EPW panel sharply divided over HFC preemption issue

Coronavirus

Axios: WHO declares coronavirus a pandemic

Law360: EPA Speeds Way For New Coronavirus Disinfectants

MarketWatch: Here's the EPA's list of over 300 coronavirus-fighting cleaning products

Washington Post: Federal government telework could become more widespread to limit coronavirus outbreak

Energy

Yale Climate Connections: EPA encourages manufacturers to save energy

Pesticides

Agri-Pulse: EPA pledges to work with state pesticide officials on dicamba

Bloomberg Environment: Some Pesticide Makers See Profit in Chlorpyrifos Void

Bloomberg Environment: EPA Clarifies New Rules for Using Toxic Weedkiller on Farms (1)

Bloomberg Environment: Farmers Prepare for Syngenta 'Closed System' Paraquat Packaging

PFAS

Bloomberg Environment: Honeywell, Chemours Among PFAS Makers on EPA Chemicals List

The Progressive Pulse: FDA says chemical replacements for PFOA, PFOS more toxic than thought

Water

E&E: Alaska mine leaks stir Pebble fears

POLITICO Pro: EPA awards New Jersey \$1.5M for lead testing in schools

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Agency

E&E

Incoming EPA chief of staff draws fire

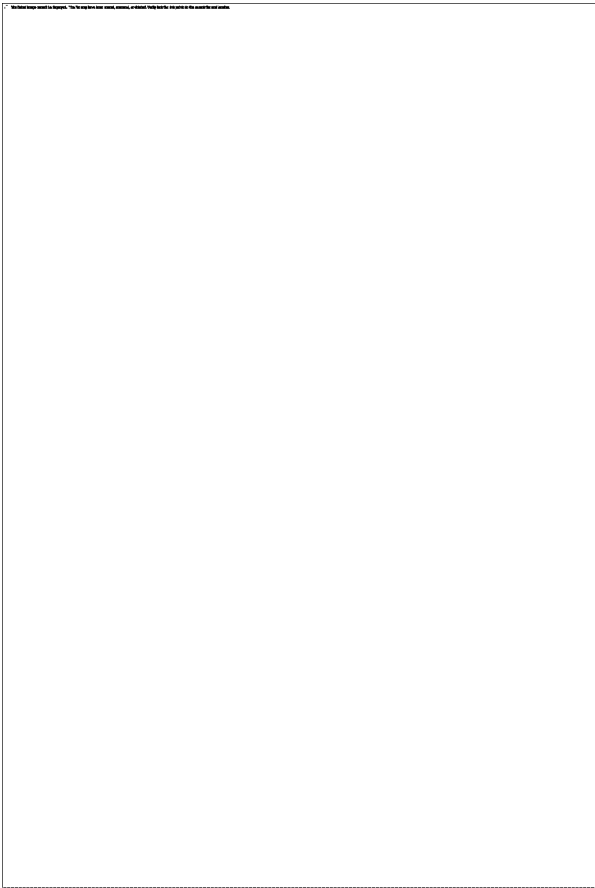
<https://www.eenews.net/greenwire/2020/03/11/stories/1062577165>

By Corbin Hiar

Trump EPA veteran Mandy Gunasekara doesn't return to the agency until next week, but Administrator Andrew Wheeler's incoming chief of staff is already drawing fire on Capitol Hill.

Democratic senators this morning raised concerns about her inflammatory, partisan tweets and the ethical implications posed by the unknown funders of the pro-Trump advocacy work Gunasekara has been doing since leaving the administration last February.

"Mr. Wheeler has just hired a new chief of staff whose tweets proclaim that she believes that the so-called looney left wants to, quote, 'implement a Soviet-styled takeover of our energy and our economy' and that, quote, 'Democrat actions are corroding democracy,'" Delaware Sen. Tom Carper said at an Environment and Public Works Committee confirmation hearing today for three other nominees.



@MississippiMG/Twitter

Carper, the committee's ranking member, cited tweets Gunasekara sent regarding the Green New Deal climate change mitigation plan and comments House Speaker Nancy Pelosi (D-Calif.) made regarding the impeachment of President Trump. The Green New Deal tweet included a black-and-white image of Soviet dictator Josef Stalin standing beside Rep. Alexandria Ocasio-Cortez (D-N.Y.).

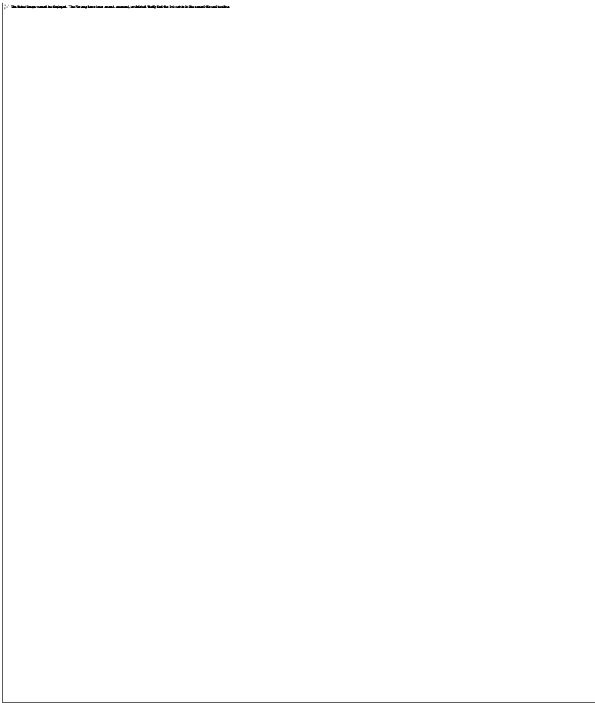
"With the death of our late colleague John McCain, I am the last Vietnam veteran serving in the U.S. Senate," Carper said, referring to the former Arizona Republican.

"I served five years and three tours during a hot war in Southeast Asia to oppose the expansion of communism," Carper said. "These comments conflating climate action with communism aren't just intellectually dishonest. They are reprehensible, especially when you consider the military service record of our commander in chief during that same war."

During the Vietnam War, Trump received military draft deferments four times while he was in college and once after he graduated for bone spurs in his feet.

Meanwhile, Sen. Sheldon Whitehouse (D-R.I.) raised questions about whether EPA's ethics process could prevent Gunasekara from doing favors for the undisclosed people and companies that have bankrolled the Energy 45 Fund she leads and the Texas Public Policy Foundation and CO2 Coalition, both of which employ her as a fellow.

"Every employee at the EPA has an obligation of impartiality. And it means that if you are making decisions that relate to people or interests or companies with whom you have a relationship, that relationship needs to be disclosed, and you need to take appropriate steps to make sure there's no conflict of interest," Whitehouse said to Doug Benevento, Trump's pick for deputy EPA administrator.



@MississippiMG/Twitter

"How are you possibly gonna know that she is in compliance with that rule if you don't know who was funding her through this period?" he asked.

"Our expectation is that all employees consult with the career ethics counsel and receive guidance from them on what they can be involved in," Benevento responded.

But that didn't satisfy Whitehouse, a critic of recent Supreme Court and Federal Election Commission decisions that have overturned some restrictions on money in politics and disclosure requirements.

"Well, here's the problem: You haven't updated your ethics rules. You don't even ask about dark money conflicts of interest; you're still using ethics rules that predate the explosion of dark money that has corrupted our politics," he said. "When you say go to the ethics people, you're going into a fixed game, because they don't ask that question, either."

Whitehouse then pressed Benevento again on how he could ensure that Gunasekara doesn't violate impartiality standards. The deputy nominee once more put that responsibility on ethics officials.

Until EPA leaders and ethics lawyers ask Gunasekara and other nominees the right questions, Whitehouse said, ethics violations will be "a self-fulfilling prophecy."

Gunasekara didn't immediately respond to requests for comment on the senators' concerns. But EPA spokesperson Molly Block said in a statement, "All EPA appointees work closely with our career ethics officials and work diligently to ensure they follow all ethics guidelines and laws."

#### **Inside EPA**

##### **Senators Press Benevento On EPA Policy Without Threatening Nomination**

<https://insideepa.com/daily-news/senators-press-benevento-epa-policy-without-threatening-nomination>

Senators at a March 11 confirmation hearing pressed Doug Benevento, President Donald Trump's nominee to be EPA's next deputy administrator, on a host of contentious EPA policies including the renewable fuel standard (RFS) and rule reviews but they did not make direct threats to hold up his nomination over the policy concerns.

Benevento answered the questions at the Senate Environment & Public Works Committee (EPW) hearing, where senators gave few indications that they have any personal objections to his nomination. Benevento is a former Capitol Hill staffer who has previously served as EPA associate deputy administrator, and as the chief of the agency's Region 8 covering Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

In his testimony, Benevento vowed to pursue five priorities if confirmed by the Senate: supporting EPA Administrator Andrew Wheeler in efforts to protect public health and the environment; continue work toward "modernizing regulations"; working with regions and states on implementing environmental laws; working with Gulf Coast states and other federal agencies on Gulf restoration efforts; and working with career staff on "workforce development."

One of the most controversial EPA policies that drew attacks from Republicans and Democrats alike in their questions for the nominee is the RFS, which sets annual biofuels production goals.

The agency has faced criticism from oil state senators and refiners for setting what they see as unachievable production goals for alternative and renewable fuels. But corn state senators, farm groups and biofuels organizations fault EPA for undermining the RFS by issuing a slew of compliance waivers for small refiners.

And the agency continues to wrestle with whether to challenge a regional appellate ruling that significantly limits its small refiner waiver policy, with [two weeks left to decide on an appeal](#).

"Farmers and producers are tired of being yanked around by the EPA," Sen. Joni Ernst (R-IA) said in one of many queries senators made about Benevento's position on the appellate ruling.

"Can you commit to me that [EPA] will not grant any of these pending smaller refiner exemptions [for 2019] until the legal action is settled?" Ernst probed, referring to almost two dozen such waiver requests.

Benevento indicated he was not involved in determining a response the recent court ruling given his nomination happened around the time of the ruling. And he told Ernst he would respond further in writing to her queries on the issue.

Other lawmakers weighing in on opposite sides of the RFS issue included Sen. Tammy Duckworth (D-IL) and Sen. James Inhofe (R-OK), with Benevento pledging to Inhofe if confirmed to work toward an “equitable” solution for all parties, including smaller refiners but not offering specific additional commitments.

And Benevento similarly added in response to a query from Duckworth on the small refiner waiver policy court case, “I will go back to the agency and look into this matter.”

### **Tough Questions**

Benevento also faced questions from EPW ranking member Sen. Tom Carper (D-DE) over alleged White House suppression of EPA comments on its pending vehicle greenhouse gas rule rollback.

Carper also queried the nominee about an unreleased economic analysis showing consumer benefits of bipartisan legislation he and other senators are pushing to phase-out hydrofluorocarbons (HFCs).

Vowing to check on the progress of the HFC bill analysis, Benevento said, “It is still not complete.”

He also promised to follow the Clean Air Act’s transparency requirements for handling of EPA staff concerns on the vehicle GHG rule rollback but did not otherwise elaborate.

Separately, Sen. Sheldon Whitehouse (D-RI) drew general commitments from Benevento to ensure EPA staff cooperation in an ongoing Office of Inspector General investigation into the activities of former Trump EPA air chief Bill Wehrum and his involvement in agency decisions affecting his former utility industry clients.

Whitehouse also pressed for, and received assurances from Benevento, that if confirmed by the full Senate he would instruct EPA to summarize a compilation of reports that the senator said he will provide to the nominee on the economic risks from failing to address climate change.

No senators made explicit threats to hold up Benevento’s nomination, but the hearing sets the stage for additional written responses from Benevento to the panel that could either assuage or amplify members’ concerns.

EPW Chairman Sen. John Barrasso (R-WY) said that senators have until March 13 to submit their questions to the nominee and set a March 19 deadline for Benevento to respond in writing.

The committee has not yet set a date for a vote on the nomination. -- *Doug Obey* ([dobey@iwpnews.com](mailto:dobey@iwpnews.com))

**The Hill**

## Senators press Trump deputy EPA pick at confirmation hearing

<https://thehill.com/policy/energy-environment/487042-bipartisan-senators-press-trump-deputy-epa-chief-nominee>

BY RACHEL FRAZIN

Lawmakers on both sides of the aisle pressed President Trump's pick for the No. 2 position at the Environmental Protection Agency (EPA) on a range of issues during an at times contentious Senate hearing Wednesday.

Sens. Joni Ernst (R-Iowa) and Tammy Duckworth (D-Ill.) pressed Douglas Benevento about ethanol requirement exemptions for small refineries after a federal court ruled that the EPA would have to reconsider certain waivers.

The EPA has the option to appeal the court's decision.

"Can you commit to me that the EPA will not grant any of these pending small refinery exemptions of 2019 until the legal action is settled?" Ernst asked during the Senate Environment and Public Works Committee hearing.

Benevento said he would get back to her with a response.

"Our farmers and producers are tired of being yanked around by the EPA and again these illegal [exemptions]," Ernst replied. "A number of these 'small refineries' are actually owned by much larger companies, oil companies like Exxon and Chevron."

After the nominee similarly told Duckworth that he'd get back to her on whether the agency would temporarily stop issuing the waivers until the litigation is resolved, the senator said, "It's an easy thing to say. Don't grant any more waivers, since you're going to be appealing this ruling, or if you're not going to appeal the ruling, then you don't need to grant any more waivers."

"I just don't think it would be prudent to be making a regulatory decision right here," Benevento responded.

"This is not a regulatory decision, this is just suspending any future actions on granting any more small refinery waivers," Duckworth said.

Sen. Sheldon Whitehouse (D-R.I.) also raised concerns about the agency's ethics rules, particularly asking questions about Mandy Gunasekara, who is expected to return to the agency after leaving early last year and founding an energy nonprofit.

"You haven't updated your ethics rules, you don't even ask about dark money conflicts of interest. You're still using ethics rules that predate the explosion of dark money that has corrupted our politics," Whitehouse said.

"How could you possibly know if she is behaving in violation of her duty of impartiality without knowing who her big funders were through this time when she was in her hiatus from the EPA?" the senator added, referring to Gunasekara.

"We expect all employees to follow the ethics rules as they are written and to coordinate all their activities - their obligations - with career ethics council," Benevento responded.

"And you don't ask the right questions ... so it becomes a self-fulfilling prophecy," Whitehouse replied.

Sen. Shelley Moore Capito (R-W.Va.) also questioned Benevento on contamination by a class of cancer-linked chemicals known as PFAS.

"We need to make sure ... we have the backup science," the nominee said on PFAS. "We're moving as quickly as science allows us to move and as quickly as the statute allows us to move."

"Time is of the essence here. I think that this is so pervasive and I don't know what the damage could be," Capito said. "Quicker is better, more aggressive is better, and using the science, yes, but also, we all know that things can get expedited and move faster if you have the passion behind it."

"Where we find PFAS, we are making sure to cut off exposure," Benevento said.

PFAS chemicals can be found in a variety of products and are also known as "forever chemicals" because of their persistence in the environment and the human body.

President Trump announced last month that he would nominate Benevento to be the deputy EPA administrator.

Benevento has held various roles at the EPA since 2017, including serving as associate deputy administrator. Before joining the Trump administration, he worked for Xcel Energy, a gas and electric utility. He was also registered as a lobbyist for Colorado Interstate Gas.

He is reportedly close with Andrew Wheeler, the agency's administrator. According to E&E News, Wheeler was a groomsman in Benevento's 2000 wedding.

**Air**

**E&E**

**EPA to miss deadline for permitting program revamp**

**<https://www.eenews.net/greenwire/2020/03/11/stories/1062577257>**

**By Sean Reilly**

EPA won't make a self-imposed timetable to complete work this month on a landmark easing of the decades-old New Source Review permitting program.



"We are currently working toward finalizing the rule this summer," an agency spokeswoman said in an email this morning in response to a query from E&E News. She did not reply to a follow-up question seeking the reasons behind the postponement. The agency had previously set a March deadline for putting the final version into place, according to its most recent rundown of planned rulemakings.

The delay suggests continued trouble for the proposed revamp, which was initially part of the Trump administration's Affordable Clean Energy (ACE) draft rule, released in 2018 as a replacement for an Obama-era strategy for cutting greenhouse gas emissions from coal-fired power plants. But EPA stripped the New Source Review provisions from the final version of the ACE rule issued last June, saying it would pursue them later.

While the agency offered no explanation for that decision, power industry representatives had voiced qualms about the proposal's workability. In addition, some manufacturers were lobbying for similar treatment. At the time, EPA was expected to advance a separate New Source Review plan within months ([Greenwire](#), July 3, 2019).

The program, dating back to the 1970s, requires plant operators to get permits before launching work on expansions or other upgrades expected to lead to significantly more pollution.

Under the draft ACE rule, however, states could have adopted a new gauge for deciding whether such changes triggered the need for a New Source Review permit. Currently, companies must forecast the potential impact on overall yearly emissions. The ACE proposal would have allowed states to substitute a yardstick tied to the expected effect on the plant's hourly emissions rate ([Greenwire](#), Aug. 21, 2018).

Then-EPA air chief Bill Wehrum described the shift as essential to the ACE rule's strategy of improving the operating efficiency of coal-fired power plants.

Public health and environmental groups now challenging the ACE rule in court also see a close connection. Last September, they unsuccessfully asked the U.S. Court of Appeals for the District of Columbia Circuit to freeze proceedings in the litigation until EPA wrapped up work on the New Source Review overhaul ([E&E News PM](#), Sept. 20, 2019).

"It is undisputed that finalizing the NSR proposal would greatly alter the ACE rule's consequences and practical operation and would affect analysis of the rule's conformity" with the relevant portion of the Clean Air Act, lawyers for the American Lung Association and other groups wrote in a [motion](#).

EPA attorneys, however, cast the New Source Review proposal as independent of the ACE rule. In a November ruling, a two-judge panel rejected both the proposed freeze and a bid by EPA to fast-track the case ([E&E News PM](#), Nov. 22, 2019). An initial round of briefs is due by March 27.

"This just seems to be another rollback where they are having trouble stitching together a justification that will pass the red-face test in court," David Doniger, a Natural Resources Defense Council attorney involved in the case, said in a phone interview today.

While green groups view NSR as a mainstay of the Clean Air Act, industry organizations have long objected that it is burdensome to the point of discouraging investments in pollution control projects.

The Trump administration has lent a sympathetic ear to those complaints. On its watch, EPA has already taken a series of smaller-bore steps to lighten application of New Source Review requirements (*Greenwire*, Dec. 4, 2019).

"In retrospect, looking back, I think you can safely say that the NSR program was weaponized to go after certain industries," agency Administrator Andrew Wheeler said at a hearing last month of the House Energy and Commerce Subcommittee on Environment and Climate Change. Wheeler's comments came in an exchange with Rep. David McKinley (R-W.Va.), who was concerned about the program's impact on older coal-fired power plants.

Rep. Morgan Griffith, a Republican who represents a coal-producing swath of Virginia, has again introduced legislation that would require a blanket shift to a form of an hourly emissions test. The bill, H.R. 172, faces long odds of advancing in the Democratic-controlled House. It has yet to move out of the E&C Environment and Climate Change Subcommittee.

In a statement today, Griffith said he supports EPA's proposal.

But because it only covers the electricity sector, Griffith said, "I will continue to advocate for my legislation to update NSR, which would cover other industries including manufacturing."

## **Law360**

### **EPA Tells DC Circ. To Ignore Late Input On Emissions Policy**

<https://www.law360.com/energy/articles/1251776/epa-tells-dc-circ-to-ignore-late-input-on-emissions-policy>

By Juan Carlos Rodriguez

The U.S. Environmental Protection Agency told the D.C. Circuit on Monday that the court shouldn't consider late comments on the EPA's rule rescinding a Clean Air Act waiver that allowed California to set its own greenhouse gas standards and run a zero-emissions vehicle program.

The Golden State, other states and environmental and public health groups have asked the court to put the tardy comments into the administrative record that will serve as part of the foundation of their legal challenge to the waiver rule. But the EPA said it's under no obligation to consider comments that missed a deadline.

"EPA was not obligated to and did not consider the untimely comments that petitioners seek to add to the administrative record," the EPA said in a brief. "Because those materials are not properly part of the administrative record, the court should deny petitioner's motion."

The plaintiffs acknowledge the Administrative Procedure Act does not "generally require" agencies to consider comments that are not filed on time. But they argued in February that the record could and should be expanded.

"'It is always within an agency's discretion' to 'modify that procedural rule ... when in a given case the ends of justice require it,'" they said.

They also pointed out that the EPA did consider some comments and developments made after the deadline passed. But the EPA said that was within its discretion and doesn't mean it has to consider every late comment.

According to the EPA, the late comments it did consider didn't affect its final decision. And the agency said it publicly stated that it would only consider select late comments "to the extent practicable."

The petitioners said the comments the agency considered were ones it deemed as supportive of the rule, and that it's incumbent on the court to add all the relevant documents to the record in order to judge whether the EPA acted arbitrarily and capriciously in considering only some of the late comments.

Again, the EPA disagreed and noted the petitioners did file other comments on time, and that more than 500,000 comments total were submitted on time.

"These included many lengthy and detailed comments addressing both complex legal and technical matters," the EPA said. "The timely comments submitted by petitioners before the comment period closed are illustrative: the California Air Resource Board's submission alone included 415 pages of substantive comments."

The California attorney general's office declined to comment Tuesday. The other parties did not respond to requests for comment Tuesday.

The government is represented by Daniel R. Dertke and Chloe H. Kolman of the [U.S. Department of Justice Environment and Natural Resources Division](#), Michael Kuppersmith of the [National Highway Traffic Safety Administration](#) and Winifred Okoye of the EPA Office of General Counsel.

The challengers are represented by the states' attorney general offices, the [Environmental Defense Fund](#), the [Natural Resources Defense Council](#) and [Earthjustice](#), among others.

The case is [Union of Concerned Scientists](#) et al. v. National Highway Traffic Safety Administration et al., case number [19-1230](#), in the U.S. Court of Appeals for the D.C. Circuit.

--Editing by Aaron Pelc.

**Biofuels**

**E&E**

## Grassley to ramp up pressure after ruling on waivers

<https://www.eenews.net/eedaily/stories/1062571663/search?keyword=EPA>

By Marc Heller

An already-intense lobbying fight over federal biofuel blending requirements looks poised to heat up even more in the next two weeks, if remarks by Sen. Chuck Grassley yesterday are any indication.

Grassley (R-Iowa), the Senate's most outspoken advocate for ethanol and other biofuels, told reporters he'll use the next two weeks to turn up pressure on the Trump administration not to appeal a January court ruling that favored the ethanol industry.

"In those next two weeks, I along with Sen. [Joni] Ernst [R-Iowa] will continue to urge the EPA and the [Justice Department] to follow the law that has been set by the 10th Circuit Court of Appeals," Grassley said in a conference call with agriculture reporters.

While corn is a major commodity in Iowa, it's also a major crop in about 20 other states, Grassley said, adding that he hopes lawmakers from those states will speak up for biofuels.

"I hope those 20 other senators will help join in this effort so this doesn't become just an Iowa project," Grassley said.

The senator's remarks follow the Justice Department's request for two additional weeks to consider appealing the ruling by the 10th U.S. Circuit Court of Appeals, which found that EPA was overly generous with biofuel blending exemptions it granted to three refineries (Greenwire, March 9).

The court granted the request Monday, giving the administration until March 24 to appeal if it chooses. If the court's ruling were applied nationally, EPA would be allowed only to extend existing exemptions, not issue new ones.

The federal renewable fuel standard requires the mixing of biofuel into the nation's fuel supply, including at least 15 billion gallons of ethanol annually.

Senators critical of the court's ruling said its reasoning might make exemptions unavailable to all but two small refineries if applied retroactively, putting tens of thousands of jobs at risk. Exemptions are granted annually, based on refineries' evidence that complying with biofuel blending requirements would pose an economic hardship.

The Justice Department's filing last Friday set off a flurry of reactions from lawmakers and trade groups on both sides of the issue. But the lines are a bit blurred; the American Petroleum Institute, which opposes the RFS broadly, said the administration should let the ruling stand.

Trade groups said the administration's move appeared to indicate an appeal is likely, influenced by oil state senators such as Ted Cruz (R-Texas).

Grassley, however, told reporters he sees the scenario differently: that asking for more time gives officials a chance to work out a compromise that helps refiners while preserving the RFS.

"I read it as just the opposite," Grassley said. "There's a chance for us to find other avenues."

Biofuel policy continues to create a delicate dance between the Department of Agriculture and EPA, with EPA holding the final decisions.

Agriculture Secretary Sonny Perdue, facing questions about the RFS at a House Appropriations subcommittee hearing yesterday, said the 10th Circuit ruling would reduce the number of exemptions, which he's held have dampened the ethanol industry and hurt farmers.

"It's been a real hardship on the ethanol industry and those producers," Perdue said.

## **Congress**

### **POLITICO Pro**

#### **EPW panel sharply divided over HFC preemption issue**

<https://subscriber.politicopro.com/article/2020/03/epw-panel-sharply-divided-over-hfc-preemption-issue-1890308>

BY ANTHONY ADRAGNA

Senators on the Environment and Public Works Committee are still far from agreeing to any legislative language governing climate-heating hydrofluorocarbons that could allow the chamber to move forward with the bipartisan energy package, [S. 2657 \(116\)](#).

Ranking member Sen. [Tom Carper](#) (D-Del.) said a proposal that Chairman [John Barrasso](#) (R-Wyo.) offered concerning federal preemption of state laws phasing out HFCs would have immediately suspended existing programs and was a nonstarter for Democrats.

"What he's proposing is not just outright for preemption for the state laws," Carper told reporters. "His proposal goes well beyond that in ways that most of us find not just disappointing but offensive."

Carper said Democrats offered Barrasso an alternative, but that he rejected it "out of hand."

A spokesperson for Barrasso said the chairman had offered legislative language that "provided real preemption from state laws" and "addressed other problems with the legislation, including unspecified timelines" for the EPA administrator to accelerate the program.

"At no point did Senator Carper offer any legislative language that included actual preemption," the spokesperson said. "Chairman Barrasso has repeatedly said this legislation should be vetted in committee. He is opposed to an amendment being airdropped in that would implement the unratified Kigali treaty."

The fight over an amendment from Carper and Sen. John Kennedy (R-La.) with strong bipartisan support to phase out HFCs over 15 years erupted on the Senate floor Monday evening, sinking a cloture vote and endangering the energy package.

Barasso's spokesperson noted several groups have come out against the amendment in recent days, including the Industrial Energy Consumers of America, vending machine makers and manufacturers of defense sprays.

In response, a Carper spokesperson said Barrasso defined actual preemption in his proposal as "the permanent removal — from both states and EPA — of the authority to regulate the uses of HFCs" and that the Democrat had offered language modeled by prior Clean Air Act programs.

"Senator Carper does not support a policy approach that permanently leaves no one with the authority to regulate HFC usage," the spokesperson said.

### Coronavirus

#### **Axios**

##### **WHO declares coronavirus a pandemic**

[https://www.axios.com/coronavirus-pandemic-world-health-organization-who-78902c0e-6a25-4324-ba4a-13a8c900b8af.html?stream=top&utm\\_source=alert&utm\\_medium=email&utm\\_campaign=alerts\\_all](https://www.axios.com/coronavirus-pandemic-world-health-organization-who-78902c0e-6a25-4324-ba4a-13a8c900b8af.html?stream=top&utm_source=alert&utm_medium=email&utm_campaign=alerts_all)

The World Health Organization announced Wednesday that it had classified the coronavirus outbreak as a pandemic.

**What they're saying:** "Pandemic is not a word to use lightly or carelessly. It is a word that, if misused, can cause unreasonable fear, or unjustified acceptance that the fight is over, leading to unnecessary suffering and death," said WHO director Dr. Tedros Adhanom Ghebreyesus.

#### **Law360**

##### **EPA Speeds Way For New Coronavirus Disinfectants**

<https://www.law360.com/articles/1251585>

By Juan Carlos Rodriguez

The U.S. Environmental Protection Agency said Monday that it is speeding up the process to approve manufacturers' claims that their existing disinfectants will kill the new coronavirus.

In an effort to increase the availability of consumer products that can be used to protect against the spreading virus, the EPA said it is activating a special program companies can use to get quicker agency approval to label products as being effective in killing SARS-CoV-2, the virus that causes COVID-19.

According to the EPA, coronaviruses are one of the easiest types of viruses to kill with an appropriate disinfectant used according to directions.

"Today's action will help move disinfectants that are effective against the novel coronavirus to the market more quickly, without diminishing the scope of the review to ensure safety and quality of the product," EPA Administrator Andrew

Wheeler said in a statement Monday.

The program allows companies to add "emerging viral pathogens" claims to their already-registered surface disinfectant labels. According to the EPA, companies must describe how their product meets the eligibility criteria for use against one or more categories of viral pathogens and identify the virus or viruses from the existing product label that the company is using to support the emerging pathogen claims.

Under the EPA's program, manufacturers must show the Office of Chemical Safety and Pollution Prevention that their products are effective against viruses harder to kill than the one behind COVID-19. Several products have already been approved, such as Clorox Multi-Surface Cleaner & Bleach and Lysol Clean & Fresh Multi-Surface Cleaner.

The emerging viral pathogen labeling program has been around for some time, said Andrew R. Stewart, counsel at Sidley Austin LLP and a former acting division director in the EPA's Office of Civil Enforcement with experience in matters involving the Federal Insecticide, Fungicide and Rodenticide Act, or FIFRA.

"This is not a brand-new play that EPA is running here," Stewart said. "They have lists [of approved disinfectants] going back that relate to a number of other pathogens, including some other pretty widely known ones that have had these types of outbreaks on cruise ships and the like, such as the norovirus, and even more widely known ones like hepatitis B and C, and HIV."

The EPA said this is the first time the program has been activated since the Obama administration issued the Emerging Viral Pathogens Guidance for Antimicrobial Pesticides in 2016. The guidance was intended to clarify and improve the process by which manufacturers' claims are vetted.

Stewart said even on the accelerated schedule the EPA is operating on, it will still rely on scientific tests to confirm manufacturers' claims.

"This is designed to balance the two goals EPA has here. One is, under the pesticide law, EPA has to ensure that pesticides sold and distributed are safe for the environment and humans. On the other hand, it's got to help deal with emerging pathogens and the implications for public health," he said.

While one part of the agency is vetting new manufacturer claims, Stewart said the enforcement division will be on the lookout for companies that are flouting the law. In the past the EPA watched for problematic products at stores, but he said the advent of online shopping has forced a new approach.

"EPA does a lot of monitoring of internet sales these days," Stewart said. "[Enforcement personnel] can do monitoring of websites to see what products and claims are being made with respect to the coronavirus antimicrobials. And if they see something that's not approved, they could allege the sale or distribution of an unregistered pesticide, or what they call misbranding, which is an improperly labeled product."

The agency said Monday that there are about 30 requests from companies that want to add the emerging viral pathogen claim to their products. The EPA said it can't reveal which companies have requested this expedited review due to confidential business provisions in FIFRA, which governs the program.

The EPA said its normal time frame to review such requests is 90 days, and that it "is working as expeditiously as possible" to review them.

Besides the disinfectant program, the EPA said is monitoring other aspects of the outbreak. The Centers for Disease Control and Prevention says the coronavirus disease is mainly thought to spread between people who are in close contact with one another, and the EPA said it is staying on top of the transmission science to make sure existing regulations for the treatment of public water systems that prevent waterborne pathogens such as viruses from contaminating drinking water are adequate.

In addition, the EPA said it is ready to assist federal, state, tribal and local governments with laboratory support, decontamination approaches and waste management strategies.

"We are in close coordination with all of the government effort to combat the virus," the EPA said.

--Editing by Jill Coffey.

## MarketWatch

**Here's the EPA's list of over 300 coronavirus-fighting cleaning products**

<https://www.marketwatch.com/story/heres-the-epas-list-of-over-300-coronavirus-fighting-cleaning-products-2020-03-08>

By Elisabeth Buchwald

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The U.S. Environmental Protection Agency this week released a list of cleaning products deemed capable of warding off the coronavirus-borne disease COVID-19, but there's a significant caveat: Most of the products haven't had their effectiveness tested on the new coronavirus.

Companies are legally allowed to make such effectiveness claims under the EPA's Viral Emerging Pathogen Policy guidelines. COVID-19, the disease caused by coronavirus, falls in this category, according to the EPA, because it is "less common and predictable than established pathogens." Additionally, "the pathogens are often unavailable commercially and standard methods for laboratory testing may not exist."

The list of more than six pages of cleaning products was compiled by the American Chemistry Council's Center for Biocide Chemistries. It is broken down into three product categories: ready to use, dilutable and wipes. It was updated on March 6.



The Centers for Disease Control and Prevention posted [guidelines](#) for how to clean and disinfect surfaces using these products. It recommends cleaning surfaces that are visibly dirty first with detergent or soap and water prior to disinfection and wearing disposable gloves.

Included in the ready-to-use list are five Purell products, which are distributed by its parent company, GOJO; 21 Clorox [CLX, +0.05%](#) products; and nine Lysol-brand products from Reckitt Benckiser [RB, -2.33%](#). Also in that category is Procter & Gamble Co.'s [PG, +3.86%](#) new line of antibacterial home products, Microban 24, [which is marketed as protecting against bacteria for 24 hours](#). In total there are two and half pages of EPA-approved ready-to-use products.

In the dilutable category, there are over 100 products. The CDC advises people to check the expiration dates on products and to "never mix household bleach with ammonia or any other cleanser." To make a diluted solution, the CDC recommends mixing "5 tablespoons (1/3 cup) bleach per gallon of water or 4 teaspoons bleach per quart of water."

The wipe category contains the fewest approved COVID-19 products, with 37 listed as of Sunday.

The EPA's guidelines do not apply to hand-sanitizer products, which are regulated by the Food and Drug Administration. Hand-sanitizer sales were [313% higher in the last week of February](#) than in the same week last year, according to Nielsen [NLSN, +12.39%](#) [NLSN, +12.39%](#).

[NLSN, +12.39%](#) Sales of aerosol disinfectant products were nearly 100% higher than last year, Nielsen found. Sales of bath and shower wipes had increased nearly 60%.

Many of the EPA approved COVID-19 products are unavailable at Amazon [AMZN, +5.06%](#) and other e-commerce sites as well as in drugstore chains including Walgreens [WBA, +1.54%](#) and CVS [CVS, +2.12%](#) [CVS, +2.12%](#) and such big-box stores as Target [TGT, +4.13%](#).

Worldwide, there were 118,100 COVID-19 cases and 4,262 deaths as of Tuesday afternoon; about 64,391 people had recovered, according to data published by [the Johns Hopkins Whiting School of Engineering's Center for Systems Science and Engineering](#). The U.S. had 804 cases of the coronavirus, and 28 deaths. It has spread to over 100 countries in just over three months.

[CVS, +2.12%](#) Sen. Ed Markey, a Massachusetts Democrat, recently [penned a letter to Amazon](#), alleging that the company needs to cleanse its third-party sales platform of price gouging. "Although Amazon and the other sellers on Amazon.com have a right to expect a reasonable return on the products they sell, they do not have a right to impose unjustifiably high prices on consumers who are seeking to protect themselves against the coronavirus," Markey wrote. "But according to press reports, that is precisely what is happening."

"Price gouging is a clear violation of our policies, unethical, and in some areas, illegal," an Amazon spokeswoman said. "In addition to terminating these third-party accounts, we welcome the opportunity to work directly with states attorneys general to prosecute bad actors."

“We are making every effort to ensure that anyone who sells on our platform follows local laws and eBay policies,” Ashley Settle, an eBay spokeswoman said.

Meanwhile, Purell’s parent company, GOJO Industries, expressed concerns over the state-produced hand-sanitizer by inmates at a New York prison.

“We assume the State of New York and the company it has identified to produce hand sanitizer in its prisons... and will do what is needed to produce safe and effective product in a way that is fully compliant with all regulations and standards,” said Samantha Williams, corporate communications senior director at GOJO.

#### **Washington Post**

**Federal government telework could become more widespread to limit coronavirus outbreak**

[https://www.washingtonpost.com/politics/trump-administration-now-wants-hundreds-of-thousands-of-federal-workers-to-be-ready-to-telework-to-limit-coronavirus-spread/2020/03/10/ea284a12-620b-11ea-b3fc-7841686c5c57\\_story.html](https://www.washingtonpost.com/politics/trump-administration-now-wants-hundreds-of-thousands-of-federal-workers-to-be-ready-to-telework-to-limit-coronavirus-spread/2020/03/10/ea284a12-620b-11ea-b3fc-7841686c5c57_story.html)

**By Lisa Rein**

The Trump administration is racing to develop contingency plans that would allow hundreds of thousands of employees to work remotely full time, an extreme scenario to limit the coronavirus that would test whether the government can carry out its mission from home offices and kitchen tables.

The Office of Personnel Management, which oversees policy for the workforce of 2.1 million, has urged agency heads in recent days to “immediately review” their telework policies, sign paperwork with employees laying out their duties, issue laptops and grant access to computer networks.

The administration has not issued a widespread mandate, but some offices already have acted. The Securities and Exchange Commission late Monday became the first federal agency in Washington to clear 2,400 employees from its headquarters after discovering that an employee might be infected.

That emergency decision follows similar steps by more than a dozen Seattle-area federal field offices, the Interior Department in Denver and NASA’s Silicon Valley research center, which either have closed or shifted to telework as some employees tested positive for the virus.

On Tuesday, the International Trade Administration started sending staff home to self-quarantine if they have traveled out of the country. The State Department told its staff to set up emergency teleconference drills — and alternate who comes into the office to use classified systems to ensure that colleagues only gather in small groups, according to an internal memo.

The virus's fast spread led many private companies weeks ago to send their staffs home to work remotely. But some corners of the federal government, the country's largest employer, are only now confronting what could be an unprecedented shift to how they serve the public — for weeks or even months.

Close to half the federal workforce was eligible to telework when President Trump took office, on average one or two days a week, for snow days or sporadically. But few did it full time. Then the Trump administration scaled back working from home as a regular practice at multiple large agencies.

Now managers are scrambling to expand the policy. Employees who now telework a day or two a week could expand to full time. Others could work from home for the first time.

Remote work is the linchpin of the White House's escalating emergency planning efforts, which could be deployed as the crisis worsens. With coronavirus cases now in 36 states and the District, the outbreak is forcing agencies to assess who on their staffs is set up to telework, who must stay on the job to serve the public and how to ensure their safety while keeping essential services going.

Expanding telework already is bringing complications, among them administrative and equipment hurdles and restrictions for thousands of employees who work with classified material and can't bring it home.

Anxious employees are waiting for instructions that have so far been uneven. The Pentagon says it's moving quickly to ask employees who can to sign new telework agreements. The Internal Revenue Service, at the height of tax season, is not. Officials are expecting large numbers of absences in either case.

"This is uncharted territory," said Paul Carlson, director of the Seattle Federal Executive Board, an association of senior officials that last week recommended telework for the area's 22,000 employees.

Federal personnel director Dale Cabaniss described a "rapidly evolving situation" as she provided more detailed guidance over the weekend to address workplace rules, including a question that until now was unheard of: What happens if the kids are home because school is canceled — but telework policy doesn't allow their parents to work with them in the house?

(The answer: Agencies might be flexible in an emergency like this, but employees will have to keep close track of their work hours).

*OPM cannot force an office to shift its staff to remote work. "Each agency is responsible for determining how and when to employ telework when considering the unique needs of its mission and employees," spokesman Anthony Marucci said in an email.*

But President Trump has expansive authority to close an agency, whether he declares a national emergency or not. Just 15 percent of the workforce works in the District region, and every state has a federal presence.

Officials are not publicly releasing details of their emergency plans as they try to balance transparency with alarmism. Some unions that represent federal employees, though, say they've had little communication from managers.

"We're hearing crickets," said James Muhammad-Mason, a debt specialist at the Social Security Administration in Chicago, where several of the state's coronavirus cases have been diagnosed. "People are concerned. I have a colleague taking care of an ill parent. I have kids. What if we get the virus and give it to them?"

Social Security's top managers are at odds with many of its 60,000 employees across the country after canceling a six-year-old telework pilot program for 12,000 operations employees in November — then slashing it in multiple of other departments last month.

### **Vague public statements**

In Seattle, Carlson says he's fielding calls from managers whose staffs must report to the office, from weather forecasters to Secret Service agents. They're part of the massive workforce with public-facing or high-security jobs — IRS call-center employees, passport processors, food-safety inspectors, shipbuilders, wildland firefighters, nurses caring for veterans, postal workers. They directly serve the public, every day.

So far their agencies have issued only vague public statements about their welfare.

"We are working closely with the [Centers for Disease Control] and monitoring the situation, and we remain prepared to deal with contingencies under our continuity of government plans," Mark Hinkle, a Social Security spokesman, said.

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Other departments have canceled nonessential travel and meetings. Cleaning crews are disinfecting bathrooms and other public services more frequently than usual.

On Monday, the IRS played down concerns over disruptions to tax season. "Normal IRS operations are continuing, and we are seeing a strong, smooth filing season for the nation," the agency said in a statement.

*Documents known as continuity of operations plans have guided federal emergency planners since the Cold War, when President Dwight Eisenhower issued the first measures to ensure the government could continue to function after a nuclear attack.*

After the attacks of Sept. 11, 2001, new blueprints evolved to protect the homeland from another terrorist attack, and eventually from flu pandemics.

They lay out how agencies would operate essential services with skeletal staffs and alternative work sites where agency leaders would go.

About 12 years ago, with broadband technology in most homes, telework became a key feature of the plans. But they have yet to be activated on a wide scale. The closest call was during the H1N1 pandemic of 2009, a novel influenza virus known as the swine flu. The government ramped up for a robust response, but no federal offices were affected.

“We were racing the clock,” recalled W. Craig Fugate, who ran the disaster relief agency for eight years during the Obama administration, “but we never got to the point of closing anything in government down.”

The Trump administration, concerned that remote work was being abused, has pushed to strictly limit it. “A lot of people look at telework and think, it’s just some nice-to-have thing for employees,” said Jeffrey Neal, a former Homeland Security personnel chief who writes a [blog](#) on federal personnel policies.

“What they don’t talk about much is the emergency planning aspect of it,” Neal said. “It’s not like you can pull the trigger now and say, ‘Poof! We have a telework program.’”

### **Not so simple**

About 43 percent of federal employees were eligible to work from home in fiscal 2017, the last year for which data is available. The number has declined since then, but it’s unclear by how much.

With coronavirus planning, managers are realizing that shifting gears is not as simple as telling someone to power up their computer at home. Not everyone has broadband access at home — or a government-issued laptop that’s generally required to telework. Employees need access to agency networks. Some of their work contains sensitive material that can’t be exposed in a home setting.

“Agencies will have a hard time retrofitting what they’ve been scaling down, and now they’re in the middle of a World Health Organization-designated pandemic,” said David Cann, director of field services and education at the American Federation of Government Employees, the largest union representing federal workers.

Some D.C.-area House Democrats are so furious about the cuts that last week they introduced legislation to force the administration to reinstate telework where it has been curtailed.

Agencies have said little publicly about their workforce plans. The Department of Homeland Security announced last week that it had closed its Seattle field office for two weeks after an employee tested positive for coronavirus. But the agency declined to say how many employees were affected or could work remotely.

Then on Monday, U.S. Citizenship and Immigration Services told employees in an email that it was reopening a week early after professionally cleaning the office.

At Housing and Urban Development, some employees are resisting signing agreements because they don't want to be required to work if colleagues who can't telework get paid to stay home anyway, according to Ashaki Robinson Johns, president of AFGE Local 476, which represents HUD employees around Washington.

A senior HUD official, who spoke on the condition of anonymity because he was not authorized to discuss the coronavirus preparations, acknowledged that employees cannot be forced to sign a telework agreement.

About 2,300 scientists and other staff at NASA's Ames Research Center in Mountain View, Calif., have been on mandatory telework since Friday, a directive that followed a nationwide work-from-home test run for all employees.

Anyone who didn't happen to bring their laptop home over the weekend was unable access their work, though.

As the virus spread in Seattle, employees at the EPA's field office asked their managers last week to work from home full time until the infections abate but were told no: They could telework only once a week.

Kate Spaulding, an enforcement compliance officer, said she was told she would need a note from her doctor stating that she was a "vulnerable person" by the Centers for Disease Control's definition.

"As a federal employee, I am being blocked from putting into place strategies that have been strongly suggested by my local government and health advisors," she wrote in an email last week.

The office finally was cleared to telework last Friday "until further notice."

*Sarah Kaplan and Missy Ryan contributed to this report.*

## **Energy**

### **Yale Climate Connections**

#### **EPA encourages manufacturers to save energy**

#### **More than 1,000 plants have signed up for the Energy Star Challenge for Industry.**

**<https://www.yaleclimateconnections.org/2020/03/epa-encourages-manufacturers-to-save-energy/>**

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Manufacturing is an important part of the U.S. economy, but making cars, clothing, and other goods uses a lot of energy, which creates carbon pollution.

Melissa Hulting of the EPA says manufacturers often do not think about energy use beyond paying a utility bill each month.

“For some of these folks, the challenge is being able to get started tracking their energy use and paying attention to it,” she says.

So to motivate manufacturers to save energy, the EPA offers the Energy Star Challenge for Industry. Participating facilities measure the energy they use per square foot or unit of production, then try to reduce it by 10% within five years.

“Whether it’s through new equipment or in a lot of cases, in fact, it can be small operational tweaks,” Hulting says.

More than 1,000 American plants around the world have signed up, and over 500 have already met or exceeded the goal.

“On average they have almost a 20% reduction in just under two years,” Hulting says.

That’s good for the climate. And Hulting says it often saves money that companies can invest elsewhere.

“They can hire more people, they can buy better equipment, they can start a new product line,” she says. “It’s making the manufacturing sector more robust.”

## **Pesticides**

### **Agri-Pulse**

#### **EPA pledges to work with state pesticide officials on dicamba**

**<https://www.agri-pulse.com/articles/13289-epa-pledges-to-work-with-state-pesticide-officials-on-dicamba>**

**By Steve Davies**

The Environmental Protection Agency wants to work with state pesticide regulators on its review of dicamba herbicides as the registration deadline approaches for new formulations that have been the subject of thousands of drift damage complaints.

“We need to have certainty for our growers,” said Alexandra Dapolito Dunn, assistant administrator for EPA’s Office of Chemical Safety and Pollution Prevention, at the Association of American Pesticide Officials’ annual meeting in Alexandria, Va., this week. She called dicamba-tolerant seed and accompanying herbicides “a valuable tool for America’s farmers.”

But in a nod to the continuing issues with off-target drift from the new formulations, Dunn added, “We appreciate also some of the scientific questions that have persisted with dicamba use.”

On the all-important question of when EPA would make its decision, Dunn said, “We want to finish well before the Dec. 20 expiration date.” Rick Keigwin, head of EPA’s Office of Pesticide Programs, echoed that sentiment, saying the agency’s goal is to reach a decision in time for growers to make informed planting decisions for 2021.

Keigwin pledged to work with the state regulators “as well as academics, registrants, and others” as EPA evaluates how well growers in 2019 complied with new label restrictions placed on Bayer’s Xtendimax and BASF’s Engenia.

He said the agency has the benefit of field studies conducted last year by the registrants and is trying to determine whether off-target damage — reported mostly to soybeans — resulted from legal or illegal applications.

“We are meeting and talking,” incoming AAPCO President Leo Reed, of Indiana’s Office of the State Chemist, told *Agri-Pulse*. “They’re just now figuring out what studies, what information might be beneficial.”

“There’s only so much state agencies can give them,” Reed said. AAPCO can tell EPA about misuse complaints, but cannot provide any of its own studies, Reed said.

States such as Illinois, Indiana and Iowa have seen dicamba complaints increase over the last three years, straining their budgets for pesticide investigations. In Illinois, complaints exceeded 700 this past growing season, more than double 2018’s total.

“Chemical trespass is still occurring,” University of Tennessee weed scientist Tom Mueller said in his address to AAPCO. “And that’s not acceptable. That’s not going to fly.”

Mueller and colleague Larry Steckel reported last year they had determined that putting Roundup in tank mixtures with dicamba lowers the mixture’s pH, making it more likely to drift.

When applied with Roundup, he said, “the new formulations are not that different” from the older, more volatile dicamba products, Mueller said.

Bayer, which markets the Roundup Ready Xtend Crop System, said recently it “stands firmly behind” behind that system and Xtendimax.

“These are valuable tools for growers who need effective options to increase yields and combat resistant weeds and do not pose any unreasonable risk of off-target movement when used according to label directions,” the company said in a press release responding to a \$265 million jury verdict against it and BASF for dicamba damage to a Missouri peach farm.



Liam Condon, head of Bayer's Crop Science division, recently told University of Illinois weed scientist Aaron Hager in an email exchange shared with reporters, that it was his understanding that the majority of complaints in Illinois had not been resolved.

"The introduction of auxin technologies in cotton and soybeans has provided an effective additional tool to combat weeds for farmers, but we do recognize it has also created a need for more grower and applicator trainings and support," Condon said. He added, "We know that we need to actively engage weed scientists to ensure best practices."

Hager had criticized Condon's characterization of the significance of the decrease from season to season in the number of dicamba damage calls fielded by Bayer. Mueller echoed Hager's comment that many growers stopped bothering to report damage because nothing happened as a result.

## **Bloomberg Environment**

### **Some Pesticide Makers See Profit in Chlorpyrifos Void**

<https://news.bloombergenvironment.com/environment-and-energy/some-pesticide-makers-see-profit-in-chlorpyrifos-void>

**By Adam Allington**

Smaller players in the pesticide industry are angling to take advantage of a new and perhaps finite window to sell the insecticide chlorpyrifos, even after the EU banned it and a growing number of states have moved to regulate it out of existence.

Corteva Agriscience, the world's largest manufacturer of chlorpyrifos, announced last month that it would stop making the chemical by the end of the year, citing declining sales.

And chlorpyrifos—which has been linked to brain damage in humans, especially infants—is the target of a multistate lawsuit and legislation in five states to ban the pesticide. New York, California, and Hawaii have already passed laws to prohibit its use or sale. The European Union also banned it this year.

But despite the headwinds, chlorpyrifos, often sold under the brand name Lorsban, remains in use in most states.

"If Corteva isn't able to meet the demands of the marketplace, we are well prepared to step in," said Ram Seethapathi, president of Gharda Chemicals International Inc., a subsidiary of India-based Gharda Chemicals Ltd.

## **Decline in Organophosphates**

In 1997, the chemical family called organophosphates, which includes chlorpyrifos, represented 40% of the global pesticide market. Today it's just 5%, according to Corteva.

But some farmers say they still prefer chlorpyrifos over the newer insecticides, which may not work as well against certain pests.

“Corteva has been our manufacturer of choice for chlorpyrifos,” said Amy Asmus, co-owner of Asmus Farm Supply in Rake, Iowa, on the Minnesota border. “I guess we’ll need to turn to others to meet demand.”

Asmus said many farmers in her area still view chlorpyrifos as the best tool for controlling grain aphids, which can devour eight to 20 bushels of soybeans per acre.

In addition to Corteva and Gharda, other manufacturers of chlorpyrifos include Israel-based ADAMA Agricultural Solutions Ltd., and Denmark’s Cheminova, acquired in 2015 by U.S. chemical manufacturer FMC Corp.

According to Seethapathi, Gharda produces about 20% percent of the global supply of chlorpyrifos, with ADAMA and Cheminova making less than that.

### **Government Action**

Chlorpyrifos is used on corn, wheat, citrus, soybean, and strawberry fields. Dow Chemical Co. developed the chemical in 1965 as an alternative to DDT.

Chlorpyrifos was also a common household pesticide until 2001, when the Environmental Protection Agency reached an agreement with Dow to end most residential uses.

The EPA went a step further in 2015, when during the Obama administration it proposed revoking all food residue tolerances for chlorpyrifos, which would have effectively ended use of the pesticide. But the agency, under the Trump administration, stopped that plan in early 2017—days before the EPA was scheduled to issue a final rule.

The agency finalized its decision not to ban chlorpyrifos on July 18, 2019. It has until Oct. 1, 2022, to complete a statutory registration review.

### **States Fighting Back**

But state attorneys general in Oregon, New York, California, Washington, Massachusetts, Maryland, and Vermont filed suit in August in the U.S. Court of Appeals for the Ninth Circuit, arguing that the chemical should be banned due to the health risks.

Some states decided not to wait for either EPA or the courts to act.

California's ban on chlorpyrifos sales kicked in Feb. 6. New York's ban is set to take effect next year, and Hawaii will ban it in 2022. Lawmakers in Maryland's Senate approved a bill to ban chlorpyrifos on March 3, while Oregon, Washington, Connecticut, and New Jersey are considering similar measures.

California environmental regulators have targeted chlorpyrifos for years, designating it as a "toxic air contaminant" that poses health threats when inhaled or exposed to skin.

Some farmers have already started switching to alternatives. Use of the chemical has been declining for years, according to data from the U.S. Geological Survey, and companies see a limited future for it in the long run.

"Chlorpyrifos represents a very small part of our portfolio, and sales continue to diminish as we introduce newer technologies to the marketplace," FMC Corp. spokesperson Emily Parenteau said. "We do not anticipate any change to this direction."

### **Financial Potential**

But for now, a demand for chlorpyrifos remains. And Corteva's exit could provide a chance for Gharda to increase sales outside of its primary markets in India, Asia, and South America, Seethapathi said.

"It's a very competitive marketplace," he said. "The bigger companies tend to have strong hold on retail distributors. So we've had to fly under the radar a bit, but chlorpyrifos is still one of our top-selling products."

Besides the the direct manufacturers, other companies are also planning to stay in the chlorpyrifos market, as product formulators.

"You have to be cautious, but the potential is still there to make some real money," said Stanley Bernard, vice president of Memphis-based Drexel Chemical, which buys generic chlorpyrifos on the open market and then formulates its own brands.

John Hobson, director of crop protection at The McGregor Co., an agricultural retailer serving states in the Pacific Northwest, expects growers to continue to use the chemical until the EPA registration is revoked, or chlorpyrifos is banned at the state level.

"The market is certainly declining, but there are still smaller crops where chlorpyrifos is really needed because they don't have a lot of other options," Hobson said.

"We've been selling quite a bit of private label chlorpyrifos already," Hobson added, noting that Corteva's exit "could bump that up a bit more."

### **Bloomberg Environment**

## **EPA Clarifies New Rules for Using Toxic Weedkiller on Farms (1)**

<https://news.bloombergenvironment.com/environment-and-energy/farmers-prepare-for-syngenta-closed-system-paraquat-packaging>

**By Adam Allington**

EPA officials fielded questions Tuesday about the government's new rules for using paraquat, a liquid weedkiller so toxic that a single sip can be fatal.

The agency discussed its changes for handling paraquat at a meeting of state pesticide regulators meeting in Alexandria, Va. There are new training and labeling requirements for the herbicide, and manufacturers must use a closed packaging system to prevent spills and exposure.

The new packaging is designed to prevent the transfer or removal of the pesticide except directly into proper application equipment, thus preventing spills or accidental exposures. Certified applicators must take paraquat-specific training before using the chemical, under the new rules enacted in late 2019.

The closed system requirements and trainings only apply to products with the new 2020 labels. Farmers don't need to throw away older product, said Marianne Mannix, acting team leader in EPA's Office of Pesticide Programs.

"EPA is allowing existing stocks of paraquat, including products stickered with older labels, to be depleted until exhaustion," she said.

### **'A Lot of Questions'**

Syngenta AG, the primary producer of paraquat, is "getting a lot of questions from distributors, customers, and from the states," the company's stewardship manager, Patsy Laird, said at the meeting.

The new guidelines from the EPA require that all paraquat containers from manufacturers need to be completely sealed with no screw caps, adapters, or other ways to open and pour the chemicals, Laird noted.

"We as a pesticide registrant are not the ones who can interpret EPA's intentions," she said, adding that state regulators and the EPA must "figure out what constitutes an open container."

Syngenta says the new closed-system caps will be installed on all 2.5-gallon containers. To date the company says more than 15,000 people have already completed online training for the closed-loop system.

In addition to the online training, Laird said face-to-face training materials are also available in English and Spanish.

### **'Bit of a Learning Curve'**

“There are Amish and Mennonites communities that don’t use technology,” Laird said. “As of this week, 1,000 people have been trained with those materials.”

State officials welcomed the additional information.

“It’s going to be a bit of a learning curve, because it’s a new system, but I think Syngenta has come up with is a pretty good plan,” said Kerry Richards, director of Delaware’s pesticide safety education program.

The new packaging for smaller containers will allow the chemicals to be mixed and then transferred directly into spray rigs, Richards said.

“They may have to get an adapter for their particular tank,” Richards said.

Despite the safety concerns, and bans in the European Union and China over concerns about accidental or intentional poisoning, Richards said paraquat is one of the best, least expensive herbicides available to farmers.

(Updated with additional reporting.)

## **Bloomberg Environment**

### **Farmers Prepare for Syngenta ‘Closed System’ Paraquat Packaging**

<https://news.bloombergenvironment.com/environment-and-energy/farmers-prepare-for-syngenta-closed-system-paraquat-packaging>

**By Adam Allington**

Farmers are trying to figure out how to use paraquat for the first time with newer “closed transfer” systems that aim to prevent spills or exposure to the toxic weedkiller.

Paraquat, a common liquid weedkiller, is produced primarily by Syngenta AG and is banned in China and the EU.

The Environmental Protection Agency imposed new labeling requirements for paraquat products as of the end of 2019 . Among the changes, the new labels will require certified applicators to take paraquat-specific training before use.

They also include a new closed-system packaging designed to prevent the transfer or removal of the pesticide except directly into proper application equipment, thus preventing spills or accidental exposures. The chemical is so toxic that a single sip can be fatal, according to the EPA.

EPA officials addressed questions on the topic at a meeting of state pesticide regulators in Alexandria, Va., on Tuesday.

“We at Syngenta are getting a lot of questions from distributors, customers, and from the states,” said Patsy Laird, stewardship manager at Syngenta.

Laird said the new guidelines from the EPA require that all paraquat containers from manufacturers need to be completely sealed with no screw caps, adaptors, or other ways to open and decant the chemicals.

“We as a the pesticide registrant are not the ones who can interpret EPA’s intentions, so it’s really up to you guys (state regulators) and EPA to figure out what constitutes an open container,” Laird said.

## **PFAS**

### **Bloomberg Environment**

#### **Honeywell, Chemours Among PFAS Makers on EPA Chemicals List**

<https://news.bloombergenvironment.com/environment-and-energy/honeywell-chemours-among-pfas-makers-on-epa-chemicals-list>

**By Pat Rizzuto**

Honeywell International Inc., Linde Plc, and the Chemours Co. are among the companies that have made or imported “forever chemicals” in recent years, according to a newly obtained EPA list of the heat, oil, and friction-resistant chemicals.

The list of about 630 per- and polyfluoroalkyl substances (PFAS) that Bloomberg Law obtained from the Environmental Protection Agency through a Freedom of Information Act request identifies chemicals that were made, imported, mixed, or repackaged in the U.S. between June 2006 and June 2016.

Researchers, local and state regulators, and the public have been asking for such a list in order to get a better picture of what PFAS chemicals are made or used in the U.S.

States around the country are developing policies to limit human and environmental exposure to the PFAS chemicals, some of which are persistent, meaning they don’t break down in the environment. Some also cling to proteins in the human body for years, and may cause health problems.

The EPA list focuses on chemicals “active” in commerce, as defined by a regulation (RIN: 2070-AK24) EPA is required to issue under the 2016 amendments to the Toxic Substances Control Act. The regulation is meant to help everyone involved know which of some 86,000 chemicals on the agency’s official inventory of compounds—most of which are not PFAS chemicals—are still produced, imported, or used in the U.S.

The list can also help identify information that is often difficult to obtain, such as the level of the chemicals in workers’ blood samples.

For example, Dupont Co. provided the EPA details on a sample of workers’ blood levels with perfluorohexanoic acid (PFHxA), a type of PFAS the company has made.

### **Tool to Learn More**

Academic researchers, state officials, and staff from environmental health groups said the PFAS list obtained by Bloomberg Law may help them to further investigate PFAS chemicals.

“The complete list of PFAS in commerce will enable impacted communities to demand more information about where these chemicals are produced, how they are released, and what effects they are having on human health and the environment,” said Jonathan Kalmuss-Katz, a staff attorney at Earthjustice, a nonprofit public interest environmental law organization.

“For decades, industry has avoided oversight and regulation by withholding the most basic information about new PFAS chemicals,” he said. “Too often, the first time the public learns of a new PFAS is when it is detected in the environment or in our bodies.”

3M, Chemours, and DuPont, were contacted after hours Tuesday and didn’t respond immediately to inquiries about the usefulness and limitations of the information on the EPA’s list.

The American Chemistry Council, however, urged caution regarding information the list can help interested parties find.

#### **‘Own Distinct Properties’**

“Each PFAS chemistry is unique with its own distinct properties and health and environmental profiles, further reinforcing that applying a one-size-fits-all approach to regulating these chemistries is neither scientifically accurate, nor appropriate,” said council spokesman Tom Flanagan.

Some, including PFHxA, present negligible risk to people, according to the FluoroCouncil, a global group which includes AGC Inc., the Chemours Co., Daikin Industries Ltd., Archroma Management LLC, Dynax Corp., and Tyco Fire Products LP.

“We can’t comment on the accuracy or details of the list without having the chance to review it with [American Chemistry Council] members,” Flanagan said. But, the number of PFAS on the EPA’s list shows that many parties “have wildly overstated the number of PFAS chemistries in use,” often describing them as numbering in the thousands, Flanagan said.

3M and DuPont were the original companies developing and producing PFAS, dating to the 1940s. Chemicals made with the particular PFAS that 3M, DuPont, and Chemours, a Dupont spinoff, have produced have been used by hundreds of companies such as Wolverine World Wide, Inc. and W. L. Gore & Associates Inc. to make thousands of products, including semiconductors, sticky notes, and shoes.

Scientific studies of a few of these chemicals show they may increase cholesterol and the risk of cancer, among other health problems, according to an agency in the Centers for Disease Control and Prevention.

The original PFAS manufacturers, Chemours, and some companies using the chemicals are the subject of several major PFAS-related lawsuits.

## The Progressive Pulse

FDA says chemical replacements for PFOA, PFOS more toxic than thought

<https://pulse.ncpolicywatch.org/2020/03/10/fda-says-chemical-replacements-for-pfoa-pfos-more-toxic-than-thought/>

By [Lisa Sorg](#)

In 2006, when 3M and DuPont, under legal and regulatory pressure, began phasing out their production of two types of perfluorinated compounds — PFOA and PFOS — the companies had a backup plan: By reducing the number of fluorinated carbon molecules from eight to six or fewer, they could produce new chemicals that would ostensibly be safer than their longer carbon-chain counterparts.

GenX, for example, is a short-chain perfluorinated compound.

But two new FDA studies show that theory isn't true. The results were recently published in peer-reviewed, independent journals [Toxicology and Applied Pharmacology](#) and [Food and Chemical Toxicology](#). The Environmental Working Group announced the [results of the studies](#).

The compound in question, 6:2 FTOH is widespread in the environment. It is present in fast food packaging, stain- and water-resistant consumer products, fire-fighting foam — [even nap mats at child-care centers](#).. The general population is exposed to the compound by inhaling it, such as in indoor dust, and eating food packaged in materials containing the compound.

FDA researchers found that 6:2 FTOH is toxic. It builds up in the liver and fatty tissues of rats, persisting for roughly the equivalent of a year in humans.

These findings are a departure from previous research, including some paid for by the fluorochemical industry, which determined the [toxicity of 6:2 FTOH](#) using studies of another short-chain compound, perfluorohexanoic acid, or PFHxA for short. [Based on those findings](#), the industry concluded that PFHxA and other short-chain compounds were not toxic.

It turns out those studies were flawed.

“Our analysis demonstrates that 6:2 FTOH is significantly more toxic than PFHxA,” the FDA researchers wrote. They added that using toxicological studies of PFHxA to assess 6:2 FTOH exposure “may significantly underestimate human health risk.”

Since 2008, the FDA has approved and registered 11 substances on its Inventory of Effective Food Contact Substance Notifications; nine of these substances were plastics based on 6:2 FTOH, according to EWG. Chemours is among the companies that received federal approval to manufacture the compounds.



The chemical industry has produced at least 5,000 types of PFAS. Many public health and environmental advocates and experts have asked the EPA to regulate all PFAS as a class because of their similar toxic effects. But the industry has repeatedly countered that toxicity data, which is limited and primarily conducted by the chemical companies themselves, doesn't warrant such a broad classification.

## Water

E&E

Alaska mine leaks stir Pebble fears

<https://www.eenews.net/greenwire/stories/1062577191/search?keyword=EPA>

By Dylan Brown

Shipping containers stacked at the Kensington gold mine in Alaska. James Brooks/Wikimedia Commons

All of Alaska's big metal mines leak, or worse, according to a new study.

Mining watchdog Earthworks and four Alaska environmental groups released a report yesterday detailing spills or pollution violations at the five active hardrock mines across Alaska.

Four out of five operations have had extended water quality violations and were out of compliance with federal air and water standards in the last three years, according to EPA and state documents, among others.

"Mining companies like to tout Alaska's 'rigorous' permitting system," said Bob Shavelson, advocacy director for Cook Inletkeeper. "But this report pulls back the curtain on Alaska's phony permitting scheme, and tells the real story: that noncompliance and water quality violations are the norm, not the exception."

According to EPA's latest Toxics Release Inventory National Analysis, nearly half of chemical discharges nationwide came from metal mining. Alaska had more toxic releases than any other state, with metal mining causing more than 99% of them. About 90% came from one operation, the Red Dog mine near Kotzebue in northwestern Alaska (E&E News PM, Feb. 11).

But state officials have defended their oversight (Greenwire, Feb. 18).

"Big mines like Red Dog move a significant amount of material as part of their daily operations, but such actions do not adversely impact human health and the environment," Alaska Department of Environmental Conservation Commissioner Jason Brune told the *Juneau Empire*. "Characterizing such releases as toxic is disingenuous at best."

Lurking just beneath the debate is the Pebble mine. Already the most controversial project in Alaska, the mining proposal would target the world's largest untouched deposit of gold and copper, located upstream from Alaska's premier salmon fishery, Bristol Bay.

Mining firm Pebble LP has argued that it will meet stringent environmental standards after thorough federal and state reviews. In a preliminary final environmental impact statement, the Army Corps of Engineers did not identify any disqualifying impacts (*E&E News PM*, Feb. 11).

But the new report argues four of the five reviews of the existing Alaska mines underestimated water quality impacts, a key concern for Pebble opponents.

Environmentalists argue that is why the Pebble process should be slowed down and the Trump administration should reconsider its proposed revisions to the National Environmental Policy Act process (*Greenwire*, Jan. 10).

"This report captures the inevitable result of political patronage and regulatory capture of our regulatory agencies that has put profit over public safety," Southeast Alaska Conservation Council staff scientist Guy Archibald said.

Gov. Mike Dunleavy (R), whose daughter works for the Red Dog mine, has lobbied extensively on behalf of Pebble (*Greenwire*, Feb. 26).

#### **POLITICO Pro**

##### **EPA awards New Jersey \$1.5M for lead testing in schools**

<https://subscriber.politicopro.com/article/2020/03/11/epa-awards-new-jersey-15m-for-lead-testing-in-schools-9421816>

**By Samantha Maldonado**

The federal Environmental Protection Agency today awarded New Jersey more than \$1.5 million in funding to identify sources of lead in drinking water in schools and child care facilities.

The funding comes from the agency's \$43.7 million Voluntary Lead Testing in Schools and Child Care grant program.

Under the program, the state will test for lead, create a response plan and communicate the results with the public.

New Jersey Future has estimated that replacing the more than 300,000 lead service lines in the state will cost \$2.3 billion.

In his budget for fiscal year 2021, Gov. Phil Murphy proposed \$80 million to replace lead service lines.

Last year, Murphy called for a \$500 million bond to replace every lead service line served by a public utility, as well as cover the cost of lead paint abatement. He said in February that [he hopes to have a lead-related bond question on the ballot](#) for voters in November.

Lead contamination is a statewide issue, with Newark's problem making its mark over the past few years. The city's water in 2017 exceeded lead rules because of a lack of corrosion control. Starting in August, tens of

thousands of Newark residents started to rely on bottled water for drinking and cooking after it was discovered that city-distributed water filters may not have been screening tap water for lead.